

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1371-JJF
)	
FAIRCHILD SEMICONDUCTOR)	
INTERNATIONAL, INC., and FAIRCHILD)	
SEMICONDUCTOR CORPORATION,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO SHORTEN TIME FOR
BRIEFING THEIR MOTION TO AMEND THE SCHEDULE; OR,
IN THE ALTERNATIVE, MOTION TO STAY EXPERT REPORTS**

Defendants Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corp. (collectively, "Fairchild") hereby seek an order shortening the time for briefing on Fairchild's Motion to Amend the Schedule. Given the Monday October 31 expert report deadline that is the subject of the accompanying motion to amend, Fairchild respectfully requests a telephonic hearing by this Friday, October 28, 2005. Alternatively, Fairchild respectfully requests that the Court stay the exchange of expert reports until the Court considers Fairchild's motion to amend the schedule.

An expedited hearing is necessary since expert reports are currently due on October 31, 2005. Fairchild is unable to provide complete technical expert reports on this date because Power Integrations has been unable to produce for deposition a key witness – Balu Balakrishnan – whose testimony will be directly relevant to both the invalidity and non-infringement of the asserted claims. Mr. Balakrishnan is the lead inventor of three of the patents-in-suit, President of Power Integrations, and the designated deponent on 19 of the pending Rule 30(b)(6) deposition topics. Fairchild has sought this deposition testimony for over three months, but each time the date of deposition approached, Power Integrations unilaterally cancelled the deposition due to the witness' poor health. In addition to needing this testimony in order to finalize its expert report, it would be prejudicial to require Fairchild to produce its expert report to Power

Integrations prior to the deposition of Power Integrations' inventor and key witness.

Fairchild sought relief from the Court as soon as Fairchild understood that its good faith efforts to negotiate an agreed upon extension with Power Integrations had failed. Fairchild understandably assumed that Power Integrations would agree to extend the deadline for expert reports because (i) Power Integrations had unilaterally cancelled Mr. Balakrishnan's deposition for a second time, (ii) Power Integrations was unable to reschedule Mr. Balakrishnan's deposition prior to the deadline for expert reports, and (iii) Power Integrations had previously agreed to extend the date of expert reports in precisely the same circumstances (i.e., the first time they canceled Mr. Balakrishnan's deposition).

Given the need to resolve this issue prior to the October 31, 2005 exchange of expert reports, Fairchild requested that Power Integrations agree to expedited briefing. Power Integrations refused. Indeed, Power Integrations' attorney claimed that none of the attorneys representing Power Integrations could be available for a telephonic hearing prior to Monday, October 31, 2005. Despite this, Power Integrations refused to extend the date of the reports by even a single day so that a hearing would be possible, necessitating the instant motion.

Given these circumstances, Fairchild respectfully requests that the Court schedule a telephonic hearing by this Friday, October 28, 2005. Alternatively, Fairchild respectfully requests that the Court stay expert reports until the Court can consider Fairchild's Motion to Amend the Schedule.

ASHBY & GEDDES

/s/ Steven J. Balick

Steven J. Balick (I.D. 2114)
John G. Day (I.D. 2403)
Lauren E. Maguire (I.D. 4261)
222 Delaware Avenue, 17th Floor
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaigue@ashby-geddes.com

Attorneys for Defendants
FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC. and FAIRCHILD
SEMICONDUCTOR CORP.

Of Counsel:

ORRICK, HERRINGTON & SUTCLIFFE LLP
G. Hopkins Guy, III (#124811)
Bas de Blank (#191487)
1000 Marsh Road
Menlo Park, CA 94025
(650) 614-7400

Dated: October 26, 2005

162821.1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,)
Plaintiff,)
v.) C.A. No. 04-1371-JJF
FAIRCHILD SEMICONDUCTOR)
INTERNATIONAL, INC., and FAIRCHILD)
SEMICONDUCTOR CORPORATION,)
Defendants.)

**ORDER ON DEFENDANTS' MOTION TO SHORTEN TIME
FOR BRIEFING THEIR MOTION TO AMEND THE SCHEDULE**

This _____ day of _____, 2005, defendants (“Fairchild”) having moved to shorten the time for briefing on their accompanying motion to amend the case schedule in the above action, and the Court, after considering the issues, having concluded that good grounds exist for the requested relief, now therefore,

IT IS HEREBY ORDERED that Fairchild's motion is granted, and that:

1. A teleconference to consider Fairchild's pending motion to amend the schedule shall be conducted at _____ on _____, 2005. Any opposing papers by plaintiff shall be filed no later than _____ on _____, 2005.

2. The exchange of expert reports is stayed pending the Court's decision on Fairchild's motion to amend the schedule.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2005, the attached **DEFENDANTS'** **MOTION TO SHORTEN TIME FOR BRIEFING THEIR MOTION TO AMEND THE SCHEDULE; OR, IN THE ALTERNATIVE, MOTION TO STAY EXPERT REPORTS** was served upon the below-named counsel of record at the address and in the manner indicated:

William J. Marsden, Jr., Esquire
Fish & Richardson P.C.
919 N. Market Street, Suite 1100
P.O. Box 1114
Wilmington, DE 19899

HAND DELIVERY

Frank E. Scherkenbach, Esquire
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

VIA FEDERAL EXPRESS

Michael Kane, Esquire
Fish & Richardson P.C.
60 South Sixth Street
3300 Dain Rauscher Plaza
Minneapolis, MN 55402

VIA FEDERAL EXPRESS

Howard G. Pollack, Esquire
Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

VIA FEDERAL EXPRESS

Andre G. Bouchard, Esquire
Bouchard Margules & Friedlander, P.A.
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

HAND DELIVERY

/s/ Steven J. Balick

Steven J. Balick